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The parties shall appear for a telephonic conference on June 11 at 10:00 a.m. The dial-in is (888) 363-4734, access code: 4645450.

SO ORDERED.

June 8, 2020

May 22, 2020

Filed via ECF

THE HONORABLE LORETTA A. PRESKA
United States District Judge
Southern District of New York
United States Courthouse, Courtroom 12A
500 Pearl Street
New York, NY 10007-1312

LORETTA A. PRESKA, USDJ

Letter-Motion for
Pre-Motion Discovery Conference
Local Civil Rule 37.2

Re: Berall v. Verathon, Inc. et al., C.A. No. 1:10-cv-05777-LAP-DCF

Dear Judge Preska:

Pursuant to Your Honor's Individual Practices and April 30, 2020 Order (D.I. 156), we write on behalf of Dr. Jonathan Berall to request a Pre-Motion Discovery Conference in the above-named patent case regarding certain mediation-related disputes. In accordance with your Order, we have met and conferred with counsel for each Defendant, and, as to the Verathon Inc. ("Verathon") dispute outlined below, sought assistance of the mediator regarding disclosures we believe are necessary for a fruitful mediation. We have been unable to come to a meeting of the minds on two issues, and request an informal conference with the Court.

First, LMA North America, Inc. ("LMA") has sought disclosure of the settlement agreements between Dr. Berall and certain former Defendants in this matter. At least one agreement contains confidentiality provisions requiring Dr. Berall to obtain permission from the other party to the agreement before disclosure. That party has requested that prior to disclosure, we obtain a Protective Order in order to ensure confidentiality of the terms of that agreement. Dr. Berall does not oppose this request, and believes that entry of a Protective Order will facilitate mediation discovery while preserving the legitimate business interests of the parties and other persons. Dr. Berall sent each Defendant a draft Protective Order. Their responses and positions (as Dr. Berall currently understands them) are as follows:

- LMA has agreed to entry of a Stipulated Protective Order limited to mediation.
- Verathon initially indicated agreement on entry of a Stipulated Protective Order, but later rescinded their agreement and now refuses such entry.